
2.1 Stakeholder and Tribal Involvement

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Many entities have a role in DOE's mission of environmental restoration and waste management. Stakeholders include local, state, and federal regulatory agencies; environmental groups; regional communities; Indian tribes; and the public. The following section describes the roles of the principal agencies, organizations, and public in environmental compliance and cleanup of the Hanford Site.

Regulatory Oversight

Several local, state, and federal government agencies are responsible for monitoring and enforcing compliance with applicable environmental regulations at the Hanford Site. The major agencies include the U.S. Environmental Protection Agency (EPA), Washington State Department of Ecology, Washington State Department of Health, and Benton County Clean Air Authority. These agencies issue permits, review compliance reports, participate in joint monitoring programs, inspect facilities and operations, and oversee compliance with applicable regulations. DOE, through compliance audits and its directives to field offices, initiates and assesses actions for compliance with environmental requirements. The primary requirements address environmental air quality, water quality, land use, cultural resources, and waste management.

EPA is the principal federal environmental regulator. EPA develops, promulgates, and enforces environmental protection regulations and technology-based standards as directed by statutes passed by Congress. In some instances, EPA has delegated environmental regulatory authority to the state or authorized the state program to operate in lieu of the federal program when the state's program meets or exceeds EPA's requirements. For instance, EPA has delegated or authorized certain enforcement authorities to the Washington State Department of Ecology for air pollution control and many areas of hazardous waste management. In other activities, the state

program is assigned direct oversight over federal operating agencies as provided by federal law. For example, the Washington State Department of Health has direct authority under the Clean Air Act to enforce the federal program for regulating radionuclide air emissions at the Hanford Site. Where federal regulatory authority is not delegated or authorized to the state, EPA Region 10 is responsible for reviewing and enforcing compliance with EPA regulations as they pertain to the Hanford Site.

Although the state of Oregon does not have direct regulatory authority at the Hanford Site, DOE recognizes its interest in Hanford Site cleanup because of Oregon's location downstream along the Columbia River. There is also the potential for shipping radioactive wastes from the Hanford Site through Oregon by rail, truck, or barge. Oregon participates in the State and Tribal Government Working Group for the Hanford Site, which reviews the site's cleanup plans.

Hanford Federal Facility Agreement and Consent Order

The Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement; Ecology et al. 1989) is an agreement among the Washington State Department of Ecology, EPA, and DOE for achieving environmental compliance at the Hanford Site with the Comprehensive Environmental Response, Compensation, and Liability Act, including the Superfund Amendments and Reauthorization Act remedial action provisions, and with Resource Conservation and Recovery Act treatment, storage, and disposal unit regulation and corrective action provisions. The Tri-Party Agreement 1) defines the Resource Conservation and Recovery Act and the Comprehensive Environmental Response, Compensation, and Liability Act cleanup commitments, 2) establishes responsibilities,

3) provides a basis for budgeting, and 4) reflects a concerted goal of achieving regulatory compliance and remediation with enforceable milestones in an aggressive manner. The Tri-Party Agreement was also established with input from the public.

The Tri-Party Agreement has continued to evolve as cleanup of the Hanford Site has progressed. Significant changes to the Tri-Party Agreement have been negotiated between the Washington State Department of Ecology, the EPA, and the DOE to meet the changing conditions and needs of the cleanup. The most complex changes were worked out in 1993 with further modifications each year since. All significant changes to the Tri-Party Agreement undergo a process of public involvement that ensures the communication and addressing of the public's values prior to final approvals. Copies of the Tri-Party Agreement are publicly available at the DOE's Hanford Reading Room located on the campus of Washington State University at Tri-Cities, Richland, Washington, and at information repositories in Seattle and Spokane, Washington, and Portland, Oregon. To get on the mailing list to obtain Tri-Party Agreement information, contact the EPA or DOE directly, or call the Washington State Department of Ecology at 1-800-321-2008. Requests by mail can be sent to:

Hanford Mailing List: Informational Mailings
P.O. Box 1000 B3-35
Richland, WA 99352

or

Hanford Update
Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

The Role of Indian Tribes

The Hanford Site is located on land ceded by treaties with the Yakama Indian Nation and the Confederated Tribes of the Umatilla Indian Reservation in 1855. The Nez Perce Tribe has treaty fishing rights on the Columbia River. The tribes reserved the right to fish "at all usual and accustomed places" and the privilege to hunt, gather roots and berries, and pasture horses and cattle on "open unclaimed" land. The Wanapum people are not a federally recognized tribe, and are therefore ineligible for

federal programs. However, they have historical ties to the Hanford Site and are routinely consulted regarding cultural and religious freedom issues.

The Hanford Site and its environment support a number of Native American foods and medicines and is the location of sacred places that are important in sustaining tribal cultures. The tribes hope to use these resources in the future and want to assure themselves that the Hanford environment is clean and healthy.

The DOE American Indian Policy (DOE Order 1230.2) states, "American Indian Tribal Governments have a special and unique legal and political relationship with the Government of the United States, defined by history, treaties, statutes, court decisions, and the U.S. Constitution." In recognition of this relationship, DOE and each tribe interact and consult directly. The tribes also participate in formal groups such as the State and Tribal Government Working Group, the Hanford Environmental Dose Reconstruction Project's Native American Working Group, the Hanford Site Technology Coordination Group as well as informal groups working on issues such as the Columbia River Comprehensive Impact Assessment, land use planning, and cultural resources. The tribes have made presentations to DOE and the contractors on treaty rights, tribal sovereignty, the United States Government's trust responsibility, and the unique status of tribal governments.

The tribes' active participation in Hanford plans and activities is guided by DOE's American Indian Policy. The policy states that among other things, "The Department shall: Consult with Tribal governments to assure that Tribal rights and concerns are considered prior to DOE taking actions, making decisions, or implementing programs that may affect Tribes." In addition to the American Indian Policy, laws such as the American Indian Religious Freedom Act, the Archaeological Resources Protection Act, the National Historic Preservation Act, and the Native American Graves Protection and Repatriation Act require consultation with tribal governments. The combination of the Treaties of 1855, federal policy, and laws and regulations provide the basis for tribal participation in Hanford plans and activities.

DOE provides financial assistance through cooperative agreements with the Yakama Indian Nation, Confederated Tribes of the Umatilla Indian Reservation, and Nez Perce Tribe to support their involvement in the environmental restoration and waste management activities on the Hanford Site.

Comprehensive Environmental Response, Compensation, and Liability Act Natural Resource Damage Assessment Trustee Activities

The Comprehensive Environmental Response, Compensation, and Liability Act requires the President to appoint federal officials to act on behalf of the public as trustees for natural resources when natural resources may be injured, destroyed, lost, or threatened as a result of a release of hazardous substances. The President appointed the Secretary of Energy as the primary federal natural resource trustee for all natural resources located on, over, or under land administered by DOE.

The National Contingency Plan (40 CFR 300.600) authorizes state governors to designate a state lead trustee to coordinate all state trustee responsibilities. The plan indicates that tribal chairmen (or heads of governing bodies) of Indian tribes have essentially the same trusteeship over natural resources belonging to the tribe as state trustees have on behalf of state resources. In addition to DOE, organizations that have been designated as natural resource trustees for certain natural resources at or near Hanford include: the Yakama Indian Nation; the Confederated Tribes of the Umatilla Indian Reservation; the Nez Perce Tribe; the state of Washington represented by the Washington State Department of Ecology and the Washington Department of Fish and Wildlife; the state of Oregon represented by the Oregon Department of Energy; the U.S. Department of the Interior represented by the U.S. Fish and Wildlife Service and the Bureau of Land Management; and the U.S. Department of Commerce represented by the National Oceanic and Atmospheric Administration.

DOE has a duty to coordinate with the other natural resource trustees concerning the cleanup of a Comprehensive Environmental Response, Compensation, and Liability Act release. As part of this coordination requirement, DOE meets regularly with the trustees. The objectives of these meetings include the sharing of information about releases of hazardous substances and planned studies and response actions to address those releases. The meetings are further designed to assist the trustees in the determination and mitigation of actual or

potential natural resource injuries. The trustees have signed a memorandum of agreement formally establishing the collaborative working group.

Public Participation

Individual citizens of the state of Washington and neighboring states may influence Hanford Site cleanup decisions through public participation activities. The public has opportunities to provide their input and influence decisions through many forums, including Hanford Advisory Board meetings, Tri-Party Agreement activities, National Environmental Policy Act public meetings covering various environmental impact statements and environmental assessments, and many other outreach programs.

A framework for integrated communications and public involvement for the Hanford Site outlines the DOE commitment to and plan for involving the public in decisions. DOE's Richland Operations Office of External Affairs is responsible for establishing the planning and scheduling of public participation activities for the Hanford Site.

The Tri-Party Agreement provides a means for Hanford to become compliant with environmental regulatory requirements. The Community Relations Plan, a companion to the Tri-Party Agreement, describes how public information and involvement activities are conducted for Tri-Party Agreement decisions. The Community Relations Plan was developed and negotiated among DOE, Washington State Department of Ecology, and EPA Region 10 with public comment and was jointly approved in 1990. The plan is updated on an as-needed basis, the most recent revision occurring in early 1996.

To apprise the public of upcoming opportunities for public participation, the *Hanford Update*, a synopsis of all ongoing and upcoming Tri-Party Agreement public involvement activities, is published bimonthly. In addition, the *Hanford Happenings* calendar, which highlights Tri-Party Agreement scheduled meetings and comment periods, is distributed each month.

Before each activity, the press is informed of the issues to be discussed, and notices are sent to elected officials, community leaders, and special interest groups. A mailing list of approximately 4,500 individuals who have indicated an interest in participating in Hanford decisions

is maintained and kept current. The mailing list is also used to send topic-specific information to those people who have requested it.

Most of Hanford's public resides in Washington, Oregon, and Idaho. To allow them better access to up-to-date Hanford information, four information repositories have been established. They are located in Richland, Seattle, and Spokane, Washington, and Portland, Oregon.

The three parties respond to questions that are received via a toll-free telephone line (1-800-321-2008). Members of the public can request information about any public participation activity and receive a response by contacting DOE's Richland Operations Office of External Affairs at (509) 376-7501.

Hanford Advisory Board

The Hanford Advisory Board was created in January 1994 to advise DOE on major Hanford cleanup policy questions. The Board is one of many advisory groups created by DOE at weapons production cleanup sites across the national DOE complex. The Board comprises 32 members who represent a broad cross section of interests: environmental, economic development, tribes and other governments, and the public. Each board member has at least one alternate. Marilyn Reeves, of Amity, Oregon, is the chairperson.

The Board has four committees: 1) Dollars and Sense, which deals with DOE budget issues, 2) Health, Safety, and Waste Management, 3) Environmental Restoration, and 4) the Board's internal executive committee. Committees study issues and develop policy recommendations for Board action.

Early on, the Board adopted and affirmed values developed by two predecessor groups: the Hanford Future Site Use Working Group and the Tank Waste Task Force. The groups advised DOE and Hanford Site cleanup regulators to 1) protect the Columbia River and 2) get on with cleanup. Board members have submitted advice to DOE on a range of issues, including budget priorities, environmental restoration, groundwater monitoring and remediation, releases to the Columbia River via N Springs, worker health and safety, local economic transition issues, and public involvement.

Hanford Site Technology Coordination Group

In November 1989, the DOE Headquarters' Office of Environmental Restoration and Waste Management was established as the central authority for cleaning up the DOE complex and preventing further environmental contamination. When the Office of Environmental Restoration and Waste Management found that its mission could not be achieved using existing technologies without incurring unreasonable costs, risks, and/or schedule impacts, it implemented a new approach to environmental research and technology development.

The new approach is focused on four major problem areas (subsurface contaminants, tanks, mixed waste, and decontamination and decommissioning) that were targeted for action based on risk, prevalence, and need for technology development to meet environmental regulations. The new approach mandates 1) directly linking research and development to specific site cleanup needs and 2) engaging regulators, stakeholders, and potential users in the technology development process.

A Site Technology Coordination Group was created at each DOE site to consolidate technology needs, enhance communications, and provide technology-transfer functions. The Hanford group consists of a Management Council and four subgroups: 1) subsurface contaminants, 2) tanks, 3) mixed waste, and 4) decontamination and decommissioning.

The Management Council is chaired by DOE's Richland Operations Office Deputy Manager and includes five assistant managers (Tank Waste Remediation System, Environmental Restoration, Waste Management, Facility Transition, and Technology) and representatives from the EPA, the Washington State Department of Ecology, the Hanford Advisory Board, the Yakama Indian Nation, the Nez Perce Tribe, and the Confederated Tribes of the Umatilla Indian Reservation. The site management and integration contractor, the environmental restoration contractor, and the site research-and-development contractor each have one ex officio member on the Management Council as do industry and regional economic development interests.

The vision of the Hanford Site Technology Coordination Group is to be an effective decision-making body and a strong, unified voice for technology activities that affect the Hanford Site. Its mission is the following:

- function by involving users, technology providers, regulators, American Indian tribes, and stakeholders, and by promoting broad information exchange among all interested parties
- identify, prioritize, and achieve consensus on Hanford Site problems and technology needs
- assess and recommend potential technologies for application at Hanford
- facilitate demonstration of innovative, modified, or existing technologies at Hanford or elsewhere and share information with other sites to best leverage technology budgets
- advocate implementation of innovative, modified, or existing technologies at Hanford
- promote privatization and commercialization
- provide input to decision makers on Hanford's highest-priority technology needs to ensure critical needs are funded.

As of early 1997, activities of the Hanford Site Technology Coordination Group resulted in \$18 million of leveraged funds between the site and the DOE Headquarters Office of Science and Technology for demonstration and deployment projects. The group was instrumental in securing funding for the tanks initiative, C Reactor interim safe storage, and several other technology proposals.